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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,066	03/29/2001	Keith Ky Trieu Ho	AUS920010193U1	5343
7590	08/05/2005		EXAMINER	
Frank C. Nicholas			GARG, YOGESH C	
CARDINAL LAW GROUP				
1603 Orrington Avenue, Suite 2000			ART UNIT	PAPER NUMBER
Evanston, IL 60201			3625	

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/821,066	HO, KEITH KY TRIEU
	<b>Examiner</b>	<b>Art Unit</b>
	Yogesh C. Garg	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 1/27/2004 & 3/9/2005.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-16 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

**Miscellaneous Letter for Redating and Remailing the Final Rejection of February 09,  
2004.**

Apropos of Grant of Petition on 08/01/2005 the Final rejection of February 09, 2004 is being remailed and the response time period would be accordingly reset. Copy of the above cited Final Action is attached herewith.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C. Garg  
Primary Examiner  
Art Unit 3625

YCG/August 2, 2005

## DETAILED ACTION

### *Drawings*

The drawings were received on January 27, 2004. The Examiner accepts these drawings.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Scheer U.S. Patent Application Publication Number US 2002/0143669.**

Referring to claim 1. Scheer discloses a method of grouping parts in inventory (abstract), comprising:

- Defining a database (Figure 8, “Record Parameters in the Product Master Data Base”) for indicating functional relationships between a plurality of parts (paragraph 0147 and paragraph 0171); and
- Searching the database (Figure 8, “Record Parameters in the Product Master Data Base”) to identify one or more groups of functionally interchangeable parts (paragraph 0147 and paragraph 0171).

Referring to claim 2. Scheer further discloses a method wherein the step of searching includes:

- Repeatedly searching the database to produce a list of parts that can be used interchangeably (paragraph 0126).

Referring to claim 3-4. Scheer discloses a method of generating a list of interchangeable parts, comprising:

- Defining a first table identifying a plurality of parts (Figure 7 and paragraph 0174);
- Defining a second table, associated with the first table, indicating functional relationships between the parts (Figure 7 and paragraph 0174);
- Recursively searching the first and second tables to generate the list of interchangeable parts (Figure 7 and paragraph 0174); and
- Receiving a part identifier (paragraph 0233).

Referring to claim 5. Scheer further discloses a method wherein the step of recursively searching includes:

- Applying the part identifier to the first table to retrieve a functional relationship from the second table, the functional relationship specifying an additional part identifier (Figure 7 and paragraph 0174); and
- Applying the additional part identifier to the first table to retrieve an additional functional relationship from the second table (Figure 7 and paragraph 0174).

Referring to claims 6-9. Claims 6-9 are rejected under the same rationale as set forth above in claims 1-5.

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Referring to claim 10. Scheer further discloses a parts inventory system comprising an input interface for receiving a part identifier (paragraph 0068).

Referring to claim 11. Scheer further discloses a parts inventory system comprising a network interface permitting remote users to generate a list of interchangeable parts (paragraph 0068).

Referring to claim 12. Scheer further discloses a parts inventory system comprising a remote workstation for communicating with the search engine over a communication network (paragraph 0068).

Referring to claims 13-14. Claims 13-14 are rejected under the same rationale as set forth above in claims 1-5.

#### ***Response to Arguments***

Applicant's arguments filed January 27, 2004 have been fully considered but they are not persuasive.

The Attorney argues that Sheer does not disclose at least defining a database for indicating functional relationships between a plurality of parts; and searching the database to identify one or more groups of functionally interchangeable parts.

The Examiner notes, Sheer does disclose an intelligent order fulfillment planning process, wherein for each order the distributor has access to data relating to equivalent products. An equivalent product can be a product that has the same functions and features as a specified product. The equivalency of functions and features is determined as a function of product definitions provided by the distributor. This action of substitution utilizes the Intelligent Agent as shown in Figure 2. Also shown in Figure

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2 is a linkage between the Intelligent Agent and the distributor whereby the Intelligent Agent can locate the product definitions. The product definitions is how the Agent Identifies groups of functionally interchangeable parts, whereby these definitions are stored on the Distributor Collaboratory Server.

The Attorney argues that Sheer does not disclose defining a first table identifying a plurality of parts, defining a second table, associated with the first table, indicating functional relationships between the parts, and recursively searching the first and second tables to generate a list of interchangeable parts.

The Examiner notes, Sheer does disclose a system that is implemented using a high degree of table-driven and parameter driven software engineering techniques. (Sheer: paragraph 0174).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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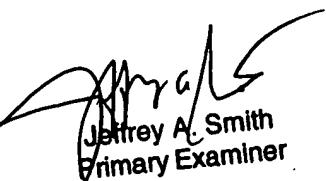
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG

February 4, 2004

  
Jeffrey A. Smith  
Primary Examiner

  
Jeffrey A. Smith  
Primary Examiner  
B/2/2005